

ASSEMBLY BILL

No. 1720

Introduced by Assembly Member Dymally

February 22, 2005

An act to amend Sections 4305 and 4308 of the Welfare and Institutions Code, relating to mental health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1720, as introduced, Dymally. State hospitals: clinical directors.

Existing law establishes the state hospitals for the mentally disordered and provides for their administration, including, but not limited to, setting forth the duties and qualifications of the clinical director, the hospital director, and the hospital administrator.

This bill would require that the clinical director be a licensed physician and surgeon and would make other technical, nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4305 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 4305. Subject to the rules and regulations established by the
- 4 department, and under the supervision of the hospital director
- 5 when the hospital director is the hospital administrator, the
- 6 clinical director of each state hospital shall *be a physician and*
- 7 *surgeon who meets all of the qualifications set forth in*
- 8 *subdivision (c) of Section 4308, and shall* be responsible for the

1 planning, development, direction, management, supervision, and
2 evaluation of all patient services, and of the supervision of
3 research and clinical training.

4 SEC. 2. Section 4308 of the Welfare and Institutions Code is
5 amended to read:

6 4308. (a) As often as a vacancy occurs in a hospital under the
7 jurisdiction of the Director of Mental Health, he *or she* shall
8 appoint, as provided in Section 4301, a clinical director, a
9 hospital administrator, a hospital director, and program directors.

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11 (b) A hospital administrator shall be a college graduate
12 preferably with an advanced degree in hospital, business or
13 public administration and shall have had experience in this area.
14 He *or she* shall receive a salary which is competitive with other
15 private and public mental hospital administrators.

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17 (c) A clinical director for a state hospital for the mentally
18 ~~disordered shall be a physician who has passed, or shall pass, an~~
19 ~~examination for a license to practice medicine in California and,~~
20 *at a minimum, meet all of the following criteria:*

21 (1) *He or she shall be a physician and surgeon licensed*
22 *pursuant to the Business and Professions Code.*

23 (2) *He or she shall be a qualified specialist in a branch of*
24 *medicine that includes diseases affecting the brain and nervous*
25 *system.* ~~The clinical director for any state hospital~~

26 (3) *He or she shall be well qualified by training or experience*
27 *to have proven skills in mental hospital program administration.*

28 ~~The hospital director shall be either~~

29 (d) *Either the hospital administrator or the clinical director*
30 *shall be appointed as the hospital director and shall perform the*
31 *functions of both offices. He or she shall be selected based on his*
32 *or her overall knowledge of the hospital, its programs, and its*
33 *relationship to its community, and on his or her demonstrated*
34 *abilities to administer a large facility. If the clinical director is*
35 *appointed as the hospital director, he or she shall meet the*
36 *requirements of both this subdivision and subdivision (c). If the*
37 *hospital administrator is appointed as the hospital director, he or*
38 *she shall meet the requirements of this subdivision and*
39 *subdivision (b).*

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1 (e) The standards for the professional qualifications of a
2 program director shall be established by the Director of Mental
3 Health for each patient program. The director shall not adopt any
4 regulations which prohibit a licensed psychiatrist, psychologist,
5 psychiatric technician, or clinical social worker from
6 employment in a patient program in any professional,
7 administrative, or technical position; provided, however, that the
8 program director of a medical-surgical unit shall be a licensed
9 physician *and surgeon*.

10 ¶

11 (f) If the program director is not a physician *and surgeon*, a
12 physician *and surgeon* shall be available to assume responsibility
13 for all those acts of diagnosis, treatment, or prescribing or
14 ordering of drugs which may only be performed by a licensed
15 physician *and surgeon*.

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